

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

PEIERLS FOUNDATION, INC. and
E. JEFFREY PEIERLS, individually
and as trustee,

Plaintiffs,

v.

Civil Action No. 03 CV 12213 EFH

JAMES E. RURKA, MARK SKALETISKY,
PAUL J. MELLETT,
RICHARD ALDRICH,
KATE BINGHAM,
CHARLES W. NEWHALL III
DAVID SCHNELL, and
JOHN P. WALKER,

Defendants.

**DEFENDANTS' ASSENTED TO MOTION FOR LEAVE
TO FILE A REPLY BRIEF**

Defendants move for leave to file a reply brief in support of their motion to dismiss. As grounds for their motion, Defendants state that a brief reply is appropriate to address legal and factual arguments in Plaintiffs' Opposition to the Motion to Dismiss, to clarify facts, and to assist the Court in its determination of this matter. The proposed Reply Memorandum has been filed with this motion. Plaintiffs assent to this motion.

Accordingly, Defendants respectfully request this Honorable Court to grant their Motion for Leave to File a Reply Brief.

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Respectfully submitted,

**JAMES RURKA,
MARK SKALETISKY, PAUL J.
MELLETT, RICHARD ALDRICH,
KATE BINGHAM, CHARLES W.
NEWHALL III, DAVID SCHNELL,
AND JOHN P. WALKER,**

By their attorneys,



Steven W. Hansen (BBO# 220820)
Matthew C. Applebaum (BBO# 653606)
Bingham McCutchen LLP
150 Federal Street
Boston, MA 02110
(617) 951-8000

Dated: March 16, 2004.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document was served upon counsel for Plaintiffs, David E. Marder, Robins, Kaplan, Miller & Ciresi, L.L.P., 111 Huntington Avenue, Boston MA 02199, by hand on March 16, 2004.



Steven W. Hansen

BINGHAM McCUTCHEN

Steven W. Hansen
Direct Dial: 617.951.8538

March 16, 2004

BY HAND

Bingham McCutchen LLP
150 Federal Street
Boston, MA
02110-1726

617.951.8000
617.951.8736 fax

bingham.com

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One Courthouse Way
Boston, MA 02110

RE: *Peierls Foundation, et al. v. James E. Rurka, et al.*
Civil Action No.: 03-12213 EFH

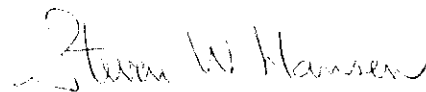
Dear Sir or Madam:

Enclosed for filing in the above-referenced matter please find Defendants' Motion for Leave to File a Reply and Defendants' Reply Brief in Support of their Motion to Dismiss.

Please stamp the enclosed copy of this letter and return same with our courier to confirm receipt.

Thank you for your attention to this matter.

Very truly yours,



Steven W. Hansen

Enclosures as stated (Originals)

cc: David E. Marder, Esq. (w. encl., by hand delivery)
Matthew C. Applebaum, Esq.